

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M No. 14673 of 2023

Date of Decision: 03.11.2023

Kamaljit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Ms. Sukhveer Kaur, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab
for the respondent-State.

Mr. Ritesh Pandey, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has sought the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.023 (Zero FIR) dated 22.02.2023 registered at Police Station Longowal, District Sangrur, under Sections 376(2)(n), 342, 323 and 506 read with Section 34 IPC (which is stated to have, now, been transferred to Police Station Tibber, District Gurdaspur).

2. Bereft of unnecessary details, the allegations, as levelled by the complainant-victim (here-in-after to be referred as 'P') in the subject FIR, are that Manpreet Singh, the son of the petitioner, was having an affair with her through the 'Facebook'. He threatened her that in case she married

someone else, then he would commit suicide and hence, she performed marriage with him through Video Call and as desired by him, she started residing in his house. After a few days, Harpreet Singh, the brother of said Manpreet Singh and another son of the petitioner, came from Portugal and he, along-with the petitioner, started pressurizing her ('P') to solemnize the marriage with him (Harpreet Singh). Then, the petitioner and one S.P. Bajaj, came in her room and left Harpreet Singh there and closed the door of the room and Harpreet Singh raped her and clicked her photographs in an objectionable condition and prepared the video-clip. On her raising an alarm, the petitioner poured hot water on her feet and when she contacted her parents on phone, the petitioner again caused burn injuries on her arm.

3. Status-Report has already been submitted on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, City, District Gurdaspur).

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner is an old lady and she has been got falsely implicated in the criminal case under reference and moreover, there is a long delay in lodging the subject FIR and in these circumstances, she (petitioner) deserves the relief, as prayed for in the instant petition.

6. Per contra, learned State counsel argues that in view of the nature of the crime committed by the petitioner, this petition be dismissed.

7. The contention qua the petitioner having been got falsely implicated in the case, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage, after appreciating and evaluating the evidence that may be led on the record, during the course of the trial and the same cannot be decided at the stage of dealing with the present bail petition.

8. So far as the contention regarding the delay in lodging the FIR is concerned, the affect thereof would, again, be the subject matter for consideration and determination by the trial Court at the relevant stage in the light of the evidence that would be led during the trial proceedings and the same cannot be ascertained at this stage.

9. Mere factum of the petitioner being an aged lady, also does not suffice at all to extend the concession of anticipatory bail to her in the circumstances when there are specific and categoric allegations in the FIR itself qua her active participation in the alleged commission of the offence.

10. As a sequel to the fore-going discussion, it follows that the petition in hand, being *sans* any merit, deserves dismissal. Resultantly, the same stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

November 03, 2023
pooja

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*